

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE THALOMID AND REVLIMID
ANTITRUST LITIGATION**

Civil No. 14-6997 (MCA) (MAH)

**CLASS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

PLEASE TAKE NOTICE that the undersigned, Interim Co-Lead Counsel for Plaintiffs and the Proposed Classes, will move before the Hon. Madeline Cox Arleo, U.S.D.J., at the Martin Luther King, Jr. Federal Building and Courthouse, 50 Walnut Street, Newark, New Jersey, on a date and time to be set by the Court, for an Order:

1. Certifying the following classes:
 - a. The Antitrust/Consumer Protection Damages Class (under Fed. R. Civ. P. 23(b)(3)): All persons or entities who purchased and/or paid for some or all of the purchase price for thalidomide in any form after November 6, 2010 or lenalidomide in any form after January 29, 2011, in California, the District of Columbia, Florida, Kansas, Maine, Massachusetts, Michigan, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, or Tennessee, for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries (the "Antitrust/Consumer Protection Damages Class");
 - b. The Unjust Enrichment Damages Class (under Fed. R. Civ. P. 23(b)(3)): All persons or entities who purchased and/or paid for some or all of the purchase price for thalidomide in any form after November 6, 2010 or lenalidomide in any form after January 29, 2011, in California, the District of Columbia, Florida, Kansas, Maine, Massachusetts, Michigan, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, or Tennessee, for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries (the "Unjust Enrichment Damages Class"); and

- c. The Injunction Class (under Rule 23(b)(2)): All persons or entities who purchased and/or paid for some or all of the purchase price for thalidomide in any form after November 6, 2010 or lenalidomide in any form after January 29, 2011, in the United States or its territories for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries (the “Injunction Class”),

Excluding the following persons or entities:

- a. Defendant and their officers, directors, management, employees, subsidiaries, or affiliates;
 - b. Government entities, except for government-funded employee benefit plans;
 - c. All persons or entities who purchased Revlimid or Thalomid for purposes of resale or directly from Defendant or their affiliates;
 - d. Fully insured health plans (*i.e.*, Plans that purchased insurance from another third-party payor covering 100% of the Plan’s reimbursement obligations to its members);
 - e. “Single flat co-pay” consumers who purchased Revlimid or Thalomid only via a fixed dollar co-payment that does not vary on the basis of the purchased drug’s status as branded or generic (*e.g.*, \$20 for both branded and generic drugs);
 - f. The judges in this case and any members of their immediate families.
- 2. Appointing International Union of Bricklayers and Allied Craft Workers Local 1 Health Fund, International Union of Operating Engineers Stationary Engineers Local 39 Health and Welfare Trust Fund, The Detectives’ Endowment Association, Inc., David Mitchell, City of Providence, and New England Carpenters Health Benefits Fund as Class Representatives;
 - 3. Pursuant to Fed. R. Civ. P. 23(g), appointing current Interim Co-Lead Counsel, Hausfeld LLP, Hach Rose Schirripa & Cheverie LLP, and Block & Leviton LLP as Co-Lead Counsel for the Classes; and
 - 4. Granting Plaintiffs and the Classes such other and further relief as this Court may deem just and proper.

In support of this motion, Plaintiffs shall rely on upon the accompanying Memorandum of Law, the Declaration of Melinda R. Coolidge and the exhibits annexed thereto, the Expert Report of Luis A. Molina, and the Expert Report of Jeffrey J. Leitzinger, Ph.D.

Plaintiffs request oral argument on this Motion.

Dated: October 2, 2017

Respectfully submitted,

By: /s/ *Melinda R. Coolidge*

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CERTIFICATE OF SERVICE

I, Katie R. Beran, counsel for Plaintiffs, do hereby certify that this Motion for Class Certification was filed and served on all counsel by electronically filing this Motion with the Clerk for the United States District Court for the District of New Jersey by using the Court's CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

Date: October 2, 2017

/s/ Katie R. Beran
Katie R. Beran